

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

June 16, 2003

5:30 PM

Chairman Sysyn called the meeting to order.

The Clerk called the roll.

Present: Aldermen Sysyn, Guinta (late), Osborne, Garrity, Forest

Messrs: T. Lolicata, Lt. Valenti, Deputy Chief Simmons, C. Morgan

Chairman Sysyn addressed Item 3 of the agenda:

Communication from Harold Levine regarding City owned parking lots
(Seal and Commercial/Granite Street).

Mr. Lolicata stated both of the lots he is referring to are permanent lots and they are paid for. We have been doing it for years. What does he want to know?

Chairman Sysyn responded I believe he wants to know that they are up-to-date and paid for.

On motion of Alderman Forest, duly seconded by Alderman Osborne, it was voted to refer the communication to the Traffic Director for response to Mr. Levine with a copy to the Committee.

Chairman Sysyn addressed Item 4 of the agenda:

Communication from Chris Morgan of GaMe Productions LLC requesting approval to rent Arms Park on consecutive Saturdays in July, August, September, October and November.

Alderman Osborne moved the item for discussion. Alderman Forest duly seconded the motion.

Mr. Lolicata stated Mr. Morgan came to me and I understand the situation and also the police have some things to say about this. I guess basically what it comes down to is the length of time involved here because some things are not quite settled yet like "Riverfest" coming up in September and other issues. I will have the police speak for themselves but we would like to see how this would work,

first of all, like a pilot program. We want to see how this would go off. That is the information I am getting anyway.

Chairman Sysyn stated I think 2 AM is another issue.

Mr. Lolicata responded that is an issue you can discuss. Lt. Valenti can probably add more to it but I think that is his contention.

Lt. Valenti stated we have never allowed any business to operate after 11 PM down at Arms Park. This would be precedent setting. There is also the noise issue. In reference to the ordinance it is 11 PM to 7 AM.

Chairman Sysyn stated I remember when we had concerts at Singer Park I had complaints from as far away as upper East High Street in my ward regarding noise.

Alderman Garrity asked can Mr. Morgan come forward. Mr. Morgan, I assume you are going to have bands down there until 11 PM with live music?

Mr. Chris Morgan answered yes. What we are trying to do is...it is music like you would find at the Black Brimmer or any restaurant and bar establishment, just easy listening music. Like a Mama Kicks type band. Nothing of a national stature and nothing where we are going to sell tickets for people to come out. It is really easy listening for people to enjoy themselves on the river and nothing more than that. It would be very low key.

Alderman Garrity stated I don't see the stage...oh there it is. Right where the beer garden is. Is that where it is?

Mr. Morgan replied well that is wrong. Actually it is going to go on the other side facing South.

Alderman Garrity stated I know last time you had a function there I had complaints as far south as Boynton Street. Is there a reason why you are facing this to the south?

Mr. Morgan responded my history of doing shows has showed me that facing south is the best. We did a show last summer at Singer Park and we faced the stage south and had much fewer complaints than we did the previous year when we had it facing north. The music is not going to be loud. The amplification is going to be well within the City regulations if not lower than the City regulations.

I don't feel like it is going to travel much at all but facing south it will be blocked off by the buildings.

Alderman Garrity replied it wasn't at the last event. That is what I am trying to tell you. I had numerous phone calls from the south end.

Mr. Morgan stated well I am willing to move the stage wherever. It is not something that has to be set in stone. It is really just going to be there for the people to enjoy the music. If the Committee or the police want to put it in a different direction, I am open to that. It is not really set in stone.

Alderman Garrity asked, Mr. Normand, the last function down there didn't we have testing for decibel level or something like that.

Deputy Clerk Normand asked are you referring to Singer Park. Yes, the last event was monitored and we worked with Mr. Morgan and he paid for the monitoring company and I worked with the monitoring company down there. It was monitored and there were no infractions.

Alderman Garrity asked there were no infractions.

Deputy Clerk Normand answered no.

Alderman Garrity asked and what was the decibel level.

Deputy Clerk Normand answered it was 105 decibels 100 feet from the stage.

Alderman Garrity asked and at that time it was facing south.

Deputy Clerk Normand answered yes. The main stage was pointed south and there was a secondary stage, which was kind of pointed easterly and there was limited music on that stage.

Alderman Garrity asked so Mr. Morgan you are only going to have one stage and that stage is going to be facing south is that right.

Mr. Morgan answered that is correct. It is a very small stage. It is not like the one at Singer Park.

Chairman Sysyn stated I think for the amount of time that you would be tying it up...you would be tying it up all of the summer months through November and nobody else will be able to use that area at that time. That is another concern that I would have.

Alderman Forest stated you are talking about easy listening music. It all depends on who these easy listeners are. On my stage you would probably be listening to Bach or Beethoven. Maybe you ought to talk to the police about the type of music you are going to have and also the hours. I agree with Alderman Sysyn about tying it up all summer long.

Mr. Morgan responded as far as tying it up all summer long if you see the diagram we are not looking to tie up the entire park although I understand when you rent the park you do rent the entire park. We are open and willing to talk to anyone who wants to rent the park and do something along those lines whether it is a race or whatever. The whole goal of what we are trying to do is just take up a small portion of the park so that we don't take the parking away from the businesses. As far as I know in talking to Lt. Kinney there is no one on the books right now as we speak so that is why we decided to go forth. If somebody does decide to have an event there certainly we are open to working with them.

Alderman Forest stated I know you came to this Board once before about Victory Park or Veteran's Park. I know the Board sort of told you that you couldn't have any alcohol there and asked that you move to Arms Park. That would be my consideration that this Board asked you to move to Arms Park.

Alderman Guinta stated I know some of this may have been covered. I apologize for my lateness but we are talking about all summer long into October and we are talking about Saturday nights going until 2 AM and the music would go to 2 AM?

Mr. Morgan replied the music needs to be defined. The live music outside is going to end at 11 AM. We talked to the police about that. The music that would go on until 2 AM would be in the tent, which is the same tent we had at the side of the stage of Singer Park shows in 2001. The police were there and they can attest to the fact that there wasn't any sound coming outside the tent that traveled up and down the river. The music is much lower amplified in the tent. It is more of a dance music than it is live music. It is closed. All four walls are closed and it wouldn't amplify outside.

Alderman Guinta stated but because it is a tent as opposed to a more solid structure, there will be noise that people hear in the general vicinity.

Mr. Morgan responded certainly. If you are standing nearby I would say that you would hear it but I think the amplification outside the tent that would travel up and down the river and cause complaints would certainly not happen. Like we told the police earlier, we are willing to work with them if we have an opportunity to try this out and make it happen. If there are any problems then certainly we can

rectify the situation. I am very confident that we can do the right thing here and not have a problem with sound traveling up the river.

Alderman Guinta stated I don't know if you have done any research and I haven't had a chance to and I do plan on doing it but have you done any research in other communities like Nashua or Portsmouth or Concord to see if they allow anything similar to this.

Mr. Morgan responded I have not done any research. I am not sure how this would...what is your thinking as far as how it would pertain to this?

Alderman Guinta replied there are some concerns that I do have. I want to try to work with the Committee and work with you to try to make this happen but there are some general concerns that I have. The first one is obviously every Saturday. It is a long period of time and I don't know if you have already spoken to that. I don't know if you need a commitment from us to do this for the amount of time that you are asking or if you are willing to look at a possible...let's see how the first month goes kind of thing but that is certainly one concern. I haven't had a chance to talk to the other people who own property in that area so I don't know if there is any concern. I don't know if you have had a chance to talk to anybody and if there is general support from the neighbors, the business neighbors in that area but that is something that I would be interested in knowing. The other concern I have is as I understand it it is a \$100 permit fee. To me...are we essentially giving you a license to open up a bar for \$100 per night?

Mr. Morgan responded well...

Alderman Guinta interjected I am not saying that is bad. I just want to talk about that a little bit. I guess my view is and again this is an intriguing idea so I don't want you to get the feeling that I am opposed to it but there is...the two concerns I have are are we granting you a license to open up a bar for essentially \$100 per evening and secondly do we lose any parking revenue because of this? I don't know if we do.

Mr. Lolicata stated there is free parking on the weekends. Saturday and Sunday are free.

Mr. Morgan stated the reason we are doing every Saturday is just for the consistency of the event. We feel that we are providing something for people to do downtown Manchester on a beautiful Saturday afternoon rain or shine. There is a lot of money that has to go into this as far as advertising, setting up tents, etc. to the tune of probably \$8,000 to \$10,000 per event. Will we recoup our

investment in the beginning? Maybe but we are looking at more long-term down the road and that is where the consistency comes in.

Alderman Guinta responded that is why I asked a little bit about trying it for a shortened period of time. How does that affect you? If we tried this for a shortened period of time and for whatever reason we make the decision that it is not in the best interest of the City to continue the event, how does that...

Mr. Morgan interjected in the planning of any event you have to plan ahead of time so we would need some lead time to put this together. Costs certainly come down when you plan ahead of time because you guarantee a certain time frame for the tent rentals and the fence rentals and security and booking the bands, etc. We would hope for a longer commitment than just one-month. I understand that this is a precedent event and I understand that we are all kind of walking cautiously on how this will go but I am very confident and you know you have my history of doing things outdoors in Manchester that number one I have learned what to do and what not to do and the second thing is that I am willing to do whatever it takes with the police and the Committee to make sure that any concerns you have are taken care of be it sound or lateness of the event or whatever it is. The reason we are doing it on Saturdays is not to affect the businesses. We are going to take a small corner of the whole lot so that people can still come down and park and go on the river and do their thing. We certainly don't want to affect any of the businesses downtown and that is our reason for doing it. We feel it is going to bring a lot of people downtown.

Alderman Guinta asked where would people park. If they are coming to this tent they would park in the existing parking lot?

Mr. Morgan answered they can. We certainly won't charge for parking. Someone suggested charging for parking but they can park wherever they want. They can walk. They can park right in front of the main entrance if they like. We are not looking to control that. We are not looking to charge for parking. It is not the whole goal. We are just looking to provide an event where people can come down and enjoy the outside.

Alderman Guinta asked would you think it would be reasonable for the City to explore the idea of trying to somehow create revenue for the City.

Mr. Morgan answered yes absolutely. We are going to obviously be hiring the police...

Alderman Guinta interjected do you think it would be fair as the person who would be running this, do you think it would be fair for the City to say because

you are getting this for essentially \$100 is it fair for the City to somehow try to implement a revenue stream to the City.

Mr. Morgan answered as long as we are all working together and doing some positive things. I think if you are going to charge \$20 to park down there it is going to be prohibitive to people coming down. I understand your position in wanting to create revenue for the City so the answer to your question is no I am not opposed to it but I would like to have a conversation about it so that we all do the right thing.

Alderman Guinta stated I think you kind of touched on it but the Police Department's position is that this has not been done before or this is sort of setting a new precedent.

Lt. Valenti responded correct. Like I said before we have never had any event run after 11 PM down at Arms Park. This would be precedent setting and there is the issue of noise. The ordinance in reference to noise states 11 PM to 7 AM. From the lot line anything audible within a distance of 50 feet from that lot line upon evidence is a violation of this section. I think you need to take that into consideration.

Alderman Guinta asked have past events not gone past 11 PM.

Lt. Valenti answered that is correct.

Alderman Guinta asked what time did the event end over the long weekend with the concert and the fireworks. Did that end before 11 PM?

Lt. Valenti answered that ended at 11 PM.

Alderman Guinta asked and then it takes about an hour or so for people to disperse and the leave the area.

Lt. Valenti answered that is correct.

Alderman Guinta asked so by midnight the area is pretty much returned to...

Lt. Valenti interjected there are people there who pick up the trash.

Alderman Guinta asked and that occurs that evening.

Lt. Valenti answered yes.

Alderman Guinta asked in this scenario, who would be responsible for that. Would it be the City?

Mr. Morgan answered it is turnkey. We come in, put the whole thing up and then take it down and do clean up.

Alderman Guinta asked can you quickly describe what is in the main tent and the other two tents.

Mr. Morgan answered basically DJ's with a large dance floor. That is all it is. It is dancing for the all ages group.

Alderman Guinta asked that is in the main tent.

Mr. Morgan answered yes.

Alderman Guinta asked what would be in the other two tents.

Mr. Morgan answered different styles of dancing.

Alderman Guinta asked so there would be three DJ's.

Mr. Morgan answered if we get to that point. Now it is all going to depend on demand. We will start off small and if the demand is there then we can increase to three tents. We will probably start off with two.

Alderman Guinta asked so you would start off with two tents.

Mr. Morgan answered yes we would. I only put that in there because obviously you wanted to see what we would do if successful.

Alderman Guinta asked and you would start off with two food vendor areas.

Mr. Morgan answered correct.

Alderman Guinta asked and what is the sponsor table.

Mr. Morgan answered like a cell phone company that wants to provide information to people – a general festival type sponsor.

Alderman Guinta stated there are two entrances. The 21 and over entrance into the beer garden area and then there is an all ages area. I assume you can go into the beer garden area, buy a beer and then go into any of the three tents.

Mr. Morgan answered no we would actually have it closed off. We would only be selling beer in one area. That is one of the things that police and I talked about.

Alderman Guinta asked so you can't bring a beer into another tent.

Mr. Morgan answered no. You can only stay in the beer garden area. You can exit and go into the other areas, but you can't bring a beer because that would be an all ages type area.

Alderman Guinta asked and you are talking about serving just beer or...

Mr. Morgan interjected we haven't really gone down that road yet. We are going to go for a full liquor assortment but we are not sure...we need to talk to the Liquor Commission to see if that is possible.

Alderman Guinta asked and you haven't done that yet.

Mr. Morgan answered no. We are just taking one step at a time.

Alderman Osborne asked how many police officers will you hire.

Lt. Valenti answered we actually had this discussion. Roughly there will be two or three at first and then we will size it down depending on how the events go.

Alderman Osborne asked how many patrons will this draw.

Mr. Morgan answered as this is the first time we are doing it, we are expecting on average 500 to 1,000. We are not quite sure because we haven't done it yet but certainly as the patrons increase the police will increase and we understand that.

Alderman Osborne asked so you are going to go by so many patrons to a police officer. Is that how you judge it and how many is that?

Lt. Valenti answered when we talked to Mr. Morgan he was talking about having only 300 people in the first week so roughly we are looking at 100 patrons per officer.

Mr. Morgan stated when I say 500 that is a little high. It will probably be closer to 300 or 400.

Alderman Osborne asked what is the general purpose of having this in the first place.

Mr. Morgan answered the reason we are doing this is to give people the opportunity to go outside and enjoy downtown Manchester on the river and listen to music and just enjoy the area. That is really the purpose of what we are trying to do.

Alderman Osborne asked and what is being sold there is beer and what else.

Mr. Morgan answered like I said we are not at the point...we will probably sell beer. We are going to go for a full liquor license. We are not sure if that is possible through the Liquor Commission at this time. Certainly, at minimum we will have a beer garden.

Alderman Osborne asked and food.

Mr. Morgan answered absolutely food yes. We will have food vendors. If you go to any festival it is that kind of a thing.

Alderman Osborne asked so if you had 500 to 1,000 it is pretty profitable isn't it.

Mr. Morgan answered based on expenses and depending on the admissions it could be, yes.

Alderman Osborne asked what is the Police Department's recommendation. Is it to end at 11 PM?

Lt. Valenti answered there are obviously concerns about noise and the under 21 crowd mixing with the over 21 crowd during the event.

Alderman Osborne asked so if we do this we are setting a precedent. You are doing a test drive here and then everybody else will want to do it.

Chairman Sysyn stated and it goes until 2 AM.

Alderman Osborne answered I don't think it will but if we are going to start this we have to know what we are doing here. If we start it we are going to start something and there will be others behind him complaining that they want it and why should he have it for \$100 and so on and so forth.

Alderman Guinta asked what time right now in the City of Manchester do bars have to stop serving.

Lt. Valenti answered 1 AM.

Alderman Guinta asked and people have to be out by 2 AM.

Lt. Valenti answered that is correct.

Alderman Guinta asked so would service end at 1 AM.

Mr. Morgan answered absolutely. That is a State law. It may end earlier as far as the beer service. The only reason we want to stay open until 2 AM and that is flexible as we talked about earlier is it would be inside a tent. It wouldn't be outside. The live music would end at 11 PM.

Alderman Guinta asked live music would end at 11 PM but then DJ music would begin at 11 PM.

Mr. Morgan answered that would go on most of the day at interim times. That would go on until 2 AM but it would be inside a tent and like I said we have done this before at Singer Park and certain police who have been down there can attest to the fact that the noise level does not resonate outside as much as you would think.

Alderman Guinta asked and you want to begin this the first Saturday in July.

Mr. Morgan answered at this point probably the second Saturday in July due to the timing and the July 4th weekend. Mr. Lolicata stated that it probably wouldn't be a good weekend to start. So, the second weekend.

Alderman Guinta asked so you need an answer from us today.

Mr. Morgan answered I would like one, yes.

Chairman Sysyn stated I suggest we take a recess to discuss this amongst ourselves if that is okay with everyone.

Mr. Marc Hayward of *The Union Leader* stated that it is illegal to meet in non-public session without a lawyer present.

Alderman Forest moved to table.

Lt. Valenti stated with the 2 AM ending time we certainly have concerns as far as the patrons leaving the event and what will that cause...certainly noise and we will have problems with vehicles leaving the area, etc. We know in dealing with clubs

that stay open until 2 AM there have been some problems with the patrons of those clubs. I think this would certainly prove to be similar.

Alderman Garrity asked, Mr. Morgan, you just stated that you have done this in the past down at Singer Park and you stated that the noise level didn't extend outside the perimeter. What that your statement?

Mr. Morgan answered that is true, yes, the perimeter of going up the river such as it was when it was on stage.

Alderman Garrity stated you say the stage is going to face South and I am looking at this and it looks like it is facing East on this picture right.

Mr. Morgan responded I think it is facing West on your map but like I said the stage can go anywhere that you...

Alderman Garrity interjected where are you going to put the stage.

Mr. Morgan stated right now if we were to do it we would put the stage on the northwest corner facing southeast so it goes into the corner of the building and the noise is blocked. Again, that would end at 11 PM.

Alderman Garrity asked and you said you are going to have one or two DJ's.

Mr. Morgan answered one in each tent.

Alderman Garrity stated and they are going to play until 2 AM.

Mr. Morgan answered that is what we are asking for but it is open for discussion.

Alderman Garrity asked, Lt. Valenti, when we had the jazz and blues festival I spent both nights down there. It was a great event but it did end at 11 PM right?

Lt. Valenti answered that is correct.

Alderman Garrity stated I was there both nights and I didn't see many people under 21 there. Most of it was an over 21 crowd but it ended at 11 PM and your earlier statement was that everything is pretty much cleaned up by midnight?

Lt. Valenti answered I believe so, yes.

Alderman Garrity asked how many noise complaints did you get from the jazz and blues festival.

Lt. Valenti answered none that I know of.

Alderman Garrity asked any arrests.

Lt. Valenti answered no.

Alderman Osborne stated I will tell you the problem I have. When you spend \$100 for the permit that is fine and a lot of organizations pay it but it is once a year. What we have here is we are trying to make a business out of it the way I look at it. They want to use it four times a month, every Saturday, for the next three months. That is making a business out of it and for \$100 it is a good deal. I think if we are going to do that...it is a tough situation. I think it should be referred to the City Solicitor and we should table it. That is my problem. I don't have to go into the back room to say it.

Mr. Morgan responded when we did our concerts in 2001 we paid...it was \$100 for the rental. We applied for nine shows and it was \$100 per event and this is very similar to that. Like Alderman Guinta said I am open to sharing a revenue stream with the City if it turns into an event that I think can be very beneficial to the City. Certainly by no means am I looking to pull one over on the City. It just happens that is the cost. If we worked on something together where there was some revenue sharing, I am not opposed to that at all.

Alderman Garrity asked, Mr. Morgan, have you given some thought to just doing over 21. Would you be receptive to that?

Mr. Morgan answered we are over 21 as far as the beer garden.

Alderman Garrity asked I am talking for the whole event. Over 21 and then knocking off at 11 PM?

Mr. Morgan asked so you are saying that during the day you don't want under 21 to be there. Is that what you are saying?

Alderman Garrity answered I am a little concerned at night. I guess during the day I probably wouldn't be as concerned. My concern is the mixing of the over 21 and under 21 crowd and the fact that it is going to 2 AM. How do you feel about just going to 11 PM?

Mr. Morgan replied I am comfortable with that and like I said I am open and very flexible to making changes like that. If this makes it a little easier for you, I am definitely open to something like that. We just put that on the board. My previous

experience with the former Chief was I need to put everything on paper and then work down from there. At this point in time, I am comfortable with that if it makes you comfortable.

Alderman Guinta asked what is the formal decision on recessing.

Chairman Sysyn answered we would have to have an attorney present. We can defer this item to later in the meeting. There is no attorney here now. The next meeting is at 6:30 PM and there will be an attorney there.

Alderman Forest stated I would like to table this and refer it to the attorney and get back to Mr. Morgan from there.

Alderman Guinta asked how long will that take.

Chairman Sysyn answered he would have to wait for the other meetings to be complete. There will be an attorney at the next meeting. You could defer this to later and finish with the rest of your agenda and come back to this item afterwards if you would like.

Deputy Clerk Normand stated one other thing you can do is like we do in Administration, which is instead of having Mr. Morgan wait all night he can call me in the morning to see if you guys have come to a decision or he can wait.

Alderman Garrity asked, Mr. Morgan, if you were going to go to 11 PM and change it to 21 and over, how much turn around time do you need to do that and make plans.

Mr. Morgan answered well by changing to 21 and over that would change the whole concept of the festival. We are trying to appeal to all ages, to kids under 21 in the area who may want to go somewhere and enjoy music. There is not really anywhere in the City where you can do that at this point in time. So, the turn around time...we are waiting for a decision so that we can move forward. Every day that goes by just puts us back. There are a lot of things that have to be booked like tent rentals...there is just a numerous amount of things.

Alderman Garrity asked so you are not in favor of just 21 and over.

Mr. Morgan answered the only reason I am not in favor of it is because we want to appeal to a wide diversity of people and I think that we can make it where there are two separate entrances and they won't be intermixed in any way. I think that we are missing out on a big population base if we don't gear to under 21. There are a lot of kids out there who want to be outside and I am not sure if it is in the

best interest of this event and what we are trying to do to not cater to them and just cater to 21 plus. I understand your concerns about the beer getting mixed up and that is why we are going to have security and work with the police and make sure there are two entrances and the beer will never go outside the tent. We are confident we can get that done.

Alderman Guinta stated again you can only drink alcohol in the beer garden right. You cannot bring alcohol into a tent, correct?

Mr. Morgan responded correct.

Alderman Guinta stated I would like to try to be reasonable and work out something but the concerns I have is with the time, going until midnight. The request was through October...

Chairman Sysyn interjected through November.

Alderman Guinta stated I have a big concern about that. I would have to hear more about mixing under 21 and over 21. I am comfortable with having a separate area that has a beer garden but you are at some point mixing over 21 and under 21 in the same general area. I don't know that we have ever done that before. I don't know. Have we done events where you have under 21 and over 21 in the same general area?

Mr. Lolicata replied yes Riverfest and fireworks and stuff like that.

Alderman Guinta stated but in those situations you have a very confined area.

Mr. Morgan stated at Singer Park we had that. We had people 21+ carrying a beer next to a 12 or 13 year old. That is the way it was at Singer Park.

Alderman Guinta asked in a beer tent.

Mr. Morgan answered no there was no beer tent at all. We have our staff established in handling that. What we are talking about here is a separate area where the beer garden would be separate. They are not going to intermix. As far as them walking around on their own, that happens everywhere you go whether it is a festival or Singer Park or Riverfest or anything so there is definitely a precedence set.

Deputy Clerk Normand asked weren't there wristbands also.

Mr. Morgan answered we had wristbands. That is part of the whole liquor laws.

Alderman Guinta asked so there were people under 21 and people 21 in the same...

Deputy Clerk Normand interjected absolutely. I was there at least for the last concert that we did the sound monitoring on and there were kids and people drinking. There was a mix of ages for sure.

Alderman Guinta stated I would be more comfortable in trying this out. I have great hesitation in just granting it for the full term you are requesting because in fairness to the people who are going to be downtown...because this has never been done before we don't know what obstacles we would encounter. If we, for example, grant this through November and there is some unforeseen problem that is of no creation of any one entity and we have a particular issue, I don't know how we address it in September or October if we have already granted the number of months that you are looking for. I would be more comfortable in trying it for a short term to see how the event goes and what the reactions are and I really would be more comfortable if I knew what the general business community in that area felt about it.

Mr. Morgan stated I think if you have more people coming down they are going to be happy about that. I mean certainly it is going to drive some people downtown. Like I was saying to Alderman Garrity I would be comfortable with an 11 PM curfew. I would also be comfortable if you gave us three months, let's say until the end of September, and I think if we could have the first Saturday of October as well as a trial. That is really just three months and we need to have that for long-term planning.

Alderman Guinta asked is there anyone in the audience who wants to speak on this particular issue – in favor or against.

There were none.

Alderman Osborne asked Lt. Valenti so this is like four times a month and we are talking three or four months.

Mr. Morgan stated well we just talked about me being comfortable with the end of September.

Alderman Osborne stated well your original request is for four months.

Mr. Morgan responded I agree but I am just trying to come to a...

Alderman Osborne interjected I am just saying that over a long period of time like that kids under 21 especially will get to know that this is going to be an every Saturday affair and once they get used to it you will have a big turnout. Young kids probably won't buy beer where you are but they will surely bring it. It is kind of a thing that we have to watch out for on that aspect of it. If this is something that is permanent and is going to happen every week for the next three months, it will get around quick. They buy beer and the police know that like everybody else knows that and it is going to create a lot of problems down there. I think the main thing to do here is to...I think it should be tabled so we can get more discussion on it rather than taking all night and discussing it.

Chairman Sysyn stated I just want to point out that when you had Riverfest down there the businesses around Riverfest complained and that is why they moved it away from Arms Park. That was one of the reasons they moved it.

Mr. Morgan responded that is why we are only taking up a small portion of the park. We are not taking up the whole park. We are not going near the businesses. We are going to the southwest corner of the lot and it is going to be self-contained. We have our own tents. We are going to work with the police. We have our own security. There is no way anybody is going to bring any alcohol in. It is just not going to happen. I have experience through handling events larger than this to show that it won't happen.

Alderman Guinta asked would you be able to deal with a compromise of 11 PM and trying it for a short period of time.

Mr. Morgan answered like I said, 11 PM is fine. When you say a short period of time are you talking less than three months? We need at least three months for long-term planning on our part and being able to go to a tent company for instance and give them the guarantee that we are going to be doing this every Saturday to get a better price for the tent rental. That is in the best interest of what we are trying to do. If we were to end the first Saturday in October it would be less than three months.

Alderman Guinta asked are there any other events that are going to be scheduled on Saturdays between now and October in that area.

Chairman Sysyn stated I think Jane Beaulieu is trying to come in with something.

Alderman Guinta responded that is a good point. What is the name of that entity?

Mr. Morgan asked if I can just answer that she made a comment in the paper saying that she was not going to use the name Riverfest and she was going to

create a whole new event. I believe that we are then both brand-new events and for her to have any or for her committee to have any precedence over us...we are both really equal at this point. If Riverfest was coming back that would be one thing but she is creating a whole new event and we are the same thing – a whole new event.

Deputy Chief Simmons stated some of the concerns the Committee brought up are the same concerns of the Police Department. Our big concern at this point is we are establishing a liquor establishment or a business serving liquor in an outside venue for a period of at least two months. On a regular basis we have several nightclubs in the City that we monitor. Every Friday and Saturday night we send supervisors and officers...we have established a number of officers that each of those businesses have to hire. We have several areas at night at closing time that create problems for us and we have to send additional officers over there. We work on a regular basis with those people. Here we are going to have an outside establishment and not only will we have to deal with what is occurring inside the tented area but now we have the park and general area around the park as well. Granted, Mr. Morgan has agreed to hire a detail but in essence what this Committee is doing is giving him the right to set-up a business for a period of three months and we have a concern about that as well.

Alderman Garrity asked is it your recommendation that we don't approve this permit.

Deputy Chief Simmons answered my recommendation is...we would be willing to work with stipulations. I think the concern for the City is is there a liability issue? Are we setting a precedent relative to setting up an establishment? Mr. Morgan is here now and I believe somebody from the Committee came forward and said who and what will come next. The suggestion was made that we can monitor what kind of music is going to be played down there. Well we have seen what happened at Singer Park and we are not in a position to start deciding what music is appropriate and what music isn't appropriate at this point.

Alderman Garrity asked, Mr. Normand, if there were infractions and if there were underage drinking or if alcohol was leaving outside the fence line could we pull the permit and then it would end. Say it happened in week two where they had infractions. Could we just pull the permit and say no you can't do July, August and September?

Deputy Clerk Normand answered the permit, in all likelihood, would be issued with many conditions and almost every license is issued pending the licensee following any applicable state and local laws. So obviously if there were violations we would...basically there would be a warning and if Mr. Morgan had

several infractions that would be something that we would look to come and pull the permit, which would then allow him an avenue to the Committee on Administration to appeal the decision. There would obviously be, in that case, a violation of state law as well as local law and that would be grounds after a period of time for and when I say period of time, one, two or three infractions would then be grounds to revoke the license.

Alderman Garrity asked if there were infractions and they were cited on them is there an appeal process that Mr. Morgan's group could use to stay in business down there for the remainder of the time or does the City shut them down right after the infractions are done.

Deputy Clerk Normand answered I think part of it depends on the type of infraction and if it was egregious enough that police would do it. If it was a safety issue...if it was noise and we got numerous complaints then we would pull the permit or suspend the permit and then we would have to call an emergency meeting prior to Mr. Morgan's next event so the issues could be addressed on appeal.

Alderman Garrity stated I would be more comfortable if we had our attorney here that way I could ask him these questions about infractions and what recourse we have to stop the operation. I think it is important that we have an attorney here. I don't know why we don't have an attorney here. There is always an attorney at our meetings. Is there an attorney downstairs?

Deputy Clerk Normand responded no we called down there.

Alderman Forest stated a little while ago I made a motion to table this and refer it to the City Solicitor and have the Police Department and Matt sit down and come up with something we can use. Right now we are asking all kinds of questions. I agree with the Deputy Chief that there is some liability there. We need to know what we are doing.

Alderman Osborne duly seconded the motion to table.

Chairman Sysyn asked would you like to table it to later this evening when there is an attorney.

Alderman Garrity responded I won't be available later this evening.

Alderman Forest stated we can table it until the City Solicitor shows up and it is all up to him if he can do it tonight or not.

Ms. Lisa Thibault stated you wouldn't have to table it then. Instead of adjourning this meeting you would call for a recess and then bring that item back up.

Chairman Sysyn responded so we could defer this item and finish with the rest of the agenda.

Ms. Thibault answered correct.

Alderman Guinta asked do we need a motion.

Chairman Sysyn stated well a motion was made to table. Do you want to defer it instead?

Alderman Guinta responded I would prefer to defer it.

Alderman Forest stated then I will withdraw my motion to table it.

Alderman Osborne stated I will withdraw my second.

Chairman Sysyn addressed Item 5 of the agenda:

Communication from Steve Wiggin regarding the intersection at Valley and Elm Streets.

Mr. Lolicata stated I talked to Mr. Hoben regarding this. If we put signal lights it will cost over \$2,400. I don't have that money right now. It takes about eight signals at \$300 a piece. It is a \$2,400 issue. Now I don't know if there has been anything done about these pedestrians but I will take a look at it and see. I guess it has been climbing. I am not denying that it might be needed but right now it is a \$2,400 issue.

Alderman Forest stated I go by that traffic light every single morning when cars are traveling 40 or 45 mph. It is very difficult to cross that street. I think we should look into it and get it done as quickly as we can before there is liability to the City.

Mr. Lolicata responded I can't put it in first of all until the ramps are put in there. That is up to the Highway Department if they are able to do that. We only have one arm across the street over there on the St. Mary's side. They are over hangers instead of a pole so we have some problems there. That is probably one of the reasons it wasn't done but I will look into it.

On motion of Alderman Osborne, duly seconded by Alderman Forest it was voted to refer this issue to the Traffic Director for investigation and report back to the Committee.

Chairman Sysyn advised that the Traffic Department has submitted an agenda, which needs to be addressed as follows:

STOP SIGN

On Coral Ave. at Union St., swc
Alderman Wihby

On Florence St. at Amherst St., nwc
Alderman Sysyn

On Cobblestone Lane at Rosecliff Lane
Alderman Pinard

On Gay St. at Greenleaf St., nwc
Alderman DeVries

On Oakland Ave. at Revere Ave., nec, swc
Alderman Osborne

On Kenney St. at Cedar St., nwc
Alderman Osborne

RESCIND PARKING-FIRE BUSINESS ONLY (8AM-6PM MON-FRI)

On Somerville St., south side, from a point 120 feet east of Hall St. to a point 25 feet easterly
Alderman Shea

NO PARKING

On Mitchell St., south side, from a point 100 feet east of Calef Rd. to a point 230 feet east
Alderman Garrity

On Arizona St., north side, from Coral Ave. to a point 100 feet west
Alderman Wihby

On Amherst St., north side, from Florence St. to a point 70 feet west
Alderman Sysyn

On Hall St., west side, from Bridge St. to a point 45 feet south
Alderman Sysyn

On Hall St., east side, from Bridge St. to a point 150 feet south
Alderman Sysyn

On Reynolds Ave., north side, from Massabesic St. to the dead end
Alderman Osborne

On S. Porter St., west side, from South Porter St. to a point 75 feet north
Alderman DeVries

RESCIND PARKING 1 HOUR

On Bell St., north side, from Wilson St. to Hall St. (Ord. #2653)
Alderman Osborne

RESCIND NO PARKING

On Mitchell St., south side, from a point 100 feet east of Calef Rd. to a
point 50 feet east (Ord. #8520)
Alderman Garrity

On Amherst St. north side, from Florence St. to Alfred St. (Ord. #7938)
Alderman Sysyn

NO PARKING (7AM-3PM MON-FRI)

On South Jewett St., east side, from Weston Rd. to a point 30 feet south of
Seames Dr.
Alderman DeVries

RESCIND NO PARKING (EMERGENCY ACT)

On South Jewett St., east side, from Weston Rd. to a point 50 feet south of
Seames Drive (Ord. #6122)
Alderman DeVries

On motion of Alderman Osborne, duly seconded by Alderman Forest it was voted
to approve the traffic agenda.

Discussion regarding referral by BMA to look at the parking garage
contracts.

Alderman Guinta asked what was the Board looking to do.

Chairman Sysyn answered to check where we are with it because we were supposed to have put out an RFP but now the current management team has an extension until when, now. We are going to have to extend them.

Mr. Lolicata stated that is what I was going to talk about. There have only been one or two meetings to look at the RFP's. We are now looking at possibly selling one of the garages. The contract just expired and we are looking for an extension.

Alderman Guinta asked when did the contract expire.

Mr. Lolicata answered I believe June 6 so we need permission from somebody...either the Traffic Committee...I don't know if it has to go to the full Board but I need to get a hold of Mr. Waldecker right away to let him know there is another extension. Now whether the extension is for six months until December or not that is up to you.

Alderman Guinta asked what about a three-month extension and we try to put this on a fast track to resolve the issue. We need to either make a decision in sticking with this company or change companies. I don't want to keep extending it six months only because...

Chairman Sysyn interjected do you want to extend it six months.

Alderman Guinta moved to extend the contract for the parking garages for three months with the caveat that a decision be made in the next three month.

Mr. Lolicata stated I will ask them for three more months but somebody needs to get in touch with Alderman O'Neil. He is on that committee and I believe he can probably push this forward. He is the one that is trying to organize the RFP's I believe.

Alderman Garrity duly seconded the motion.

Chairman Sysyn called for a vote. There being none opposed, the motion carried.

Alderman Guinta asked can we send a request to Alderman O'Neil. It is Alderman O'Neil you said.

Mr. Lolicata answered yes he is on the committee. There are three or four of us looking into the RFP. We have only had two meetings so far.

Alderman Guinta asked who is on the committee.

Mr. Lolicata answered Alderman O'Neil, myself, Mr. Dillon, the City Solicitor and Finance.

Alderman Guinta asked can we send a letter to Alderman O'Neil requesting that he expedite this and give us an answer within the next six weeks or so.

Chairman Sysyn stated the Clerk will take care of that.

Mr. Lolicata asked for a letter on the three-month extension to give to Mr. Waldecker.

Ms. Thibault stated that will go as a committee report on the next agenda in July.

Alderman Garrity asked can we do a phone poll.

Ms. Thibault answered yes.

TABLED ITEMS

8. One-Way Streets:
Hollis and Kidder
(Note: This item was tabled on 4/8 pending a meeting between Alderman Guinta, Tom Lolicata, and the constituents involved.)

This item remained on the table.

9. Communications from Dan Blair, Property Manager at Washington Park and Albert M. Stangler of 16 Country Club Drive regarding the "No Parking" signs installed on the East Side of Country Club Drive.

On motion of Alderman Forest, duly seconded by Alderman Osborne, it was voted to remove this item from the table.

Alderman Forest stated I believe there are three gentlemen here who want to talk about this.

Mr. Dan Blair, 58 Laxson Avenue stated first of all I want to thank you for tabling this and giving us an opportunity to speak. I manage a complex off of Front Street that consists of 18 buildings and 720 residential units. As you are aware, No Parking signs were put up on one side of the street probably two months ago and at that time I started having some informal conversations with Alderman Forest voicing my concerns about it. There are two issues initially. One is that the side of the street that was chosen to have No Parking is the side of the street that has

the least amount of available parking because the side of the street that was left open basically has cut outs for every parking area and all the fire hydrants and all of the bus stops. As you can imagine, with 720 units we have a lot of parking issues. We received numerous complaints since that people who come to visit have to walk two or three blocks to see someone who lives there. More importantly, during the wintertime when we have to clear these 18 parking lots of snow. We have approximately 1,000 cars that we need to move. We basically alternate times for each building so as to not put everybody on the street at the same time but understandably with the availability of tow trucks because we have to tow if they don't move and the availability of our snow plow equipment, we are faced now with a very, very limited area for these residents to move their cars to and if we tell them they can't park in the lot while we do snow removal but tell them that they can't park in the street either it certainly leaves quite a dilemma for us as management but in particular the residents who basically at that point have nowhere to go. I ask the Committee to reconsider and look at the possibility of during the winter months have...if you are insistent on having one side No Parking maybe have it during the hours after the snow removal is done.

Alderman Forest asked are you looking for just a timeframe. I was going to suggest the November to May to eliminate one side during winter but that is not going to solve your problem the way you are talking. I don't know, unless Tom Lolicata has another suggestion what we can do.

Mr. Lolicata stated first of all you haven't got an ordinance to go with the way they do snow removal. The idea was to have one side cleared. This past year with an average snowstorm it was an abomination. Nobody could get up that hill and nobody could get down the hill. Highway couldn't get in to plow it. This is how this all came about. I was going to suggest in talking with the Alderman having No Parking on one side November 15 to May 15. That is the time of the year where there is a problem. Whether it is on the right side or the wrong side...I know there are a lot of driveways. I lived up there years ago. You have to have one side clear. An ambulance couldn't even get by last year. It was impossible. I think something needs to be set here. Either your snow removal...take it one or two or three at a time. I know what happens. They all go out in the street and park while you guys clear the parking lot. During the day, people work so it can't be everybody and during the summer time there are a lot of people who are transients over there who park out in the street because there isn't enough room in the parking lot. I would go along with the November 15 to May 15 and leave the signs as they are. You have a safety problem up there. One side has to have no parking.

Mr. Blair stated as you know we had a horrible winter and this street has been set up this way for 30 or 40 or however many hundred years. It was my

understanding that early on in this winter these streets were not properly plowed. The City institutes their parking bans and is definitely towing because I hear it when they tow and then the street is not plowed curb to curb. It was also my understanding that there was a new plow driver initially who did not plow that road properly and I feel that because of this what I would consider an unusually bad winter that we are jumping from not doing anything to an extreme and even with doing two or three buildings or four buildings at a time with the snow removal we are talking a lot of cars. Believe me I wish everybody there worked and it was a non-issue. I have to tow probably 30 cars a storm from those lots and those are just the people that don't move not to mention all of the people who have to go out on the street and it is a safety issue for those residents who end up having to go out on the street. We have a lot of elderly residents. If they have to park three blocks down the road to park their car so we can do snow removal I think that is a serious concern. I don't want to downplay your concern about the condition of that hill in a snowstorm because I have to go there every day and I understand that it is an issue. Unfortunately, I don't know what the alternative is but I would ask for some latitude during the day so we can get those lots and get them done so people can park back in them so the street is as clear as possible.

Mr. Al Stangler, 16 Country Club Drive stated this is the first time I have ever attended a meeting so forgive me if I am not following protocol. As you know, I wrote a letter to all of you people so why be redundant. If you have any questions, I am open to them to clarify the situation.

Alderman Forest stated I read Mr. Stangler's letter and I also listened to his phone call for quite awhile. Again, I was going to make a motion to make it from November to May. What I may do now is refer it to the Traffic Director to look into it again.

Mr. Stangler stated I do have a question. I don't know who you are, Sir. Are you part of this Committee (pointing to Mr. Lolicata)?

Chairman Sysyn stated he is the Director of Traffic.

Mr. Stangler stated I have been living there for 23 years and you can see what it has done to me. Quite candidly we have never really had any problems with parking. This winter was an exception as everybody will concede but you said something which peaked my interest. I don't want to take too much time from this Committee but you said that an ambulance was unable to get to its destination.

Mr. Lolicata stated the truck that does the plowing couldn't get up there. That is my understanding. This is what I have been told. Working on that premise and working with the Aldermen and working with the rules of the road there should be

parking on one side of that street. It is because of the width, the hill, the curb...a lot of things. I guess I picked the wrong side.

Mr. Stangler stated if as you say and I am not looking to contest anybody's statement but if indeed for example an ambulance was unable to get through then how was any resident able to get up and down the street.

Mr. Lolicata responded that is what we are trying to figure out. Nobody can get in and out of there.

Alderman Forest stated we have one more speaker.

Mr. Glen Poyer-Hunte, 6 Country Club Drive stated in answer to the question...I am aware of the business with the ambulance. We had a fire incident in Building 2 and the fire equipment did have a problem. I was a victim of an accident that happened up there along with two cruisers. Fortunately nobody was hurt, just property damage and everything was repaired. I have been in Washington Park now since 1985/1986. I used to help with snow removal and was a part-time employee being a resident there. Our hill suffered greatly this year. I appreciate Alderman Forest's time in entertaining my comments and before anyone tables or shelves or does something else with this I just want to address the traffic issue. We are a school bus route. A lot of kids live up there. We need that two-way accessibility for both sides of the north and south entrance to Front Street. My suggestion please and I ask that everyone consider this is one to have in the winter restricted parking. Two in helping out the management issue of moving snow from the parking lot because it is done mostly in day time hours to have parking on both sides of the street during day time hours. The signs can be specifically drawn up "No Parking from 6 PM to 6 AM". In the daytime when snow is being removed residents can get back on the street on both sides. CPM can clean the parking lots where the residents park. This way it is a give and take situation where both hands are washing each other and everyone is going to be happy. The situation that you heard...I was privy to it. I talked to your office. They sent a novice driver up. I watched him the morning of that accident. The Highway Department sent a novice up who couldn't even put the blade down. That was the problem. He got up there with no blade and no sand coming out of the back. I looked at the man like he had five heads. Not to insult anyone but this was a mistake that someone made. They sent up a person who was not experienced on a hill street. We never had a problem with that before. I ask that everybody get on the same page and at least consider the 1,400 possible residents up there. I am not planning on moving but I have been back and forth with this with management and some of the town officials just asking to have this looked at a little bit further to accommodate everyone. It is just an issue...it is almost a major thoroughfare. We have school buses and City buses running through there. It is a community of

1,400 City residents who unfortunately are also not here and I wish that they were and took more of an interest but again I have been there since 1985 and this is a pet thing to me. We ask that the signs be removed now for the summer to accommodate...we are overwhelmed up there with parking now. In the winter when the snow hits from November 15 to May 15 put the signs up with restricted night time parking on one side of the street only. Picking a side to me doesn't much matter but in the daytime there has to be some sort of accommodation to be able to accommodate the removal of snow in the parking lots since it is done on an hourly basis two buildings at a time. It takes about 90 minutes. People come in and people go out and everyone will be happy. I strongly urge that people consider that.

Alderman Forest asked Tom can we put those signs November until May 6 PM until 7 AM on one side of the street.

Mr. Lolicata answered he just testified that he needs it during the daytime.

Alderman Forest replied right. I am talking 6 PM until 7 AM no parking.

Alderman Forest moved to add to the Traffic Agenda no parking from November 15 until May 15 from 6 PM until 7 AM on Country Club Drive, east side, from Front Street (south entrance) to Front Street (north entrance). Alderman Guinta duly seconded the motion.

Chairman Sysyn called for a vote. There being none opposed, the motion carried.

10. Ordinance submitted by Police Department:

“Amending the Code of Ordinances of the City of Manchester by creating §75.00 Motorized Scooters established to govern the use of motorized scooters in the City of Manchester.”

This item remained on the table.

Chairman Sysyn stated we can now recess the meeting and get the attorney here later to answer our questions.

Alderman Garrity asked can we table that issue because I will be unavailable for debate on that issue.

Alderman Osborne asked can we do a phone poll.

Chairman Sysyn answered I don't think it is a good idea to do a phone poll on this issue. There are too many questions.

Alderman Forest moved to table and send it to the City Solicitor to work out with the Police Department.

Alderman Garrity asked can we call a special meeting.

Chairman Sysyn stated we won't be meeting until July 22.

Alderman O'Neil stated you could meet...I believe the full Board is meeting on July 15. You could schedule...I know that some of the other committees are really trying to lighten their load for July and August so you may be able to meet on July 15 before the full Board meeting.

Alderman Guinta stated that is a month away and I think in fairness to the group that is looking for an answer I think we should try to give them an answer one way or the other before another 30 days goes by.

Chairman Sysyn stated well if we recess the meeting and talk to the attorney it could happen tonight but then the full Board has to agree to don't they.

Alderman Guinta answered no this doesn't have to go to the full Board.

Alderman O'Neil asked does the licensing have to go to another Committee.

Chairman Sysyn answered no.

Alderman O'Neil asked since when.

Deputy Clerk Normand stated the police haven't denied anything. If it was denied then it would go to the Committee on Administration on appeal. The police are looking to put conditions on the license.

Alderman O'Neil asked so they have not issued a license yet.

Deputy Clerk Normand answered no there has been no license issued yet.

Chairman Sysyn stated there are a few issues like how long you want to let them do this and what time it would end, etc. You are also tying up Arms Park for several months.

Alderman O'Neil stated if I may speak and this does not reflect Mr. Morgan but I was on this Board when we had major problems with clubs in the City of Manchester. Alderman Sysyn you were on as well and we couldn't do anything about it because we locked into...we gave them a permit and it was forever. I would be very concerned about the Board issuing any agreement through November.

Chairman Sysyn replied Mr. Morgan has conceded to do it only through the first Saturday in October. We need to talk to the City Solicitor regarding infractions and whether or not we would have the ability to shut him down.

Alderman O'Neil stated we have been through issues over issues with similar events at Singer Park and I know I don't like the phone calls.

Alderman Garrity asked does Tom Clark and Tom Arnold get a copy of the Traffic/Public Safety agenda.

Ms. Thibault answered yes.

Alderman Garrity asked why are they not here. We are delaying all of the business and we have a full Board meeting after this and there are no attorneys here. I guess it is more problems with communication.

Alderman O'Neil stated I noticed that was directed at this end and it will be taken care of.

Alderman Guinta asked, Chris, the contracts that you need to enter into, assuming you are looking at the second week of July right now when do you need an answer in order...

Mr. Morgan interjected we would need an answer tonight. Any further delay would certainly...I mean tonight or in the next day or so. Every day that goes by just puts us off.

Alderman Guinta asked so if we put this off until the next meeting, which is July 15, that puts you back to mid-August.

Mr. Morgan answered right at that point it would just basically kill the whole idea.

Alderman Guinta stated I think it is fair at least that we give him an answer one way or the other. If we could somehow recess so we can review this with the Solicitor's Office to at least give him an answer one way or the other that would be my preference.

Chairman Sysyn asked what is the motion.

Alderman Forest answered to table and refer it to the City Solicitor and Police Department. I guess I will just change it again.

On motion of Alderman Forest, duly seconded by Alderman Guinta, it was voted to recess the meeting.

Chairman Sysyn called the meeting back to order.

Alderman Guinta stated Mr. Arnold the item that came up before Traffic is Item 4 communication from Chris Morgan requesting approval to rent Arms Park on consecutive Saturdays in July, August, September, October and November. We are trying to work with the group that is making this request. What we have done is moved back the time and the amount of time he is looking to have this event. We want to talk to you about...if we grant him the approval what can we do to rescind it if something occurs that is contrary to state or City law? Once we give approval is there a mechanism by which the Traffic Committee can rescind the approval based on an illegal occurrence or if we so desire to rescind on any other reason?

Deputy City Solicitor Arnold stated you could make the approval subject to certain conditions. For instance, you could make the approval subject to the condition that he abide by all ordinances and state law and further provide that the license would be revoked upon violation of an ordinance or state law. I would tend to think that you need to be...when you said any other condition you obviously need to let him know what conditions you expect him to abide by so that he can do so. In answer to your question, yes, you can make it subject to certain conditions.

Alderman Osborne asked, Tom, how long would this take. If there was a violation how long would it take to enforce that violation?

Deputy City Solicitor Arnold answered again based on the violation if a condition were violated you would of course have to establish a violation, which is usually where the rubber hits the road so to speak. Once you do that I think you could rescind immediately if you chose to do so.

Alderman Osborne asked who decides that.

Deputy City Solicitor Arnold replied that is what I was just going to get to. You need to establish who is going to decide that. Typically what happens is the business license division of the City Clerk's Office might look at enforcement.

Alderman Forest asked Arms Park belongs to the City correct.

Deputy City Solicitor Arnold answered yes it does.

Alderman Forest stated Mr. Morgan wants to use it for four or five months every single Saturday. The difference that I see here is another businessman would have to rent a building in order to operate a bar and provide entertainment and Mr. Morgan is getting the park for free. Is there anything we can do to charge rent?

Deputy City Solicitor Arnold responded off the top of my head I think that you could charge rent if you so chose to do so. You might want to coordinate that with Parks & Recreation. I know they have a number of policies dealing with the use of City parks, although off the top of my head I am not aware of any rental type of charge. I know that they have charges for restroom facilities and that type of thing. I would suggest that you might want to address those concerns to Mr. Ludwig.

Alderman Lopez asked as far as the parking lot is concerned, Parks has nothing to do with it. The only area down there that Parks has anything to do with is the grass area. Keep that in mind. Secondly, I would just refer the Committee to a lot of things that have happened in previous years with concerts and such. I am not too sure of the language but I think there was something and Matt you can probably help us out. In Administration I know there was an ordinance regarding waivers going to the Committee on Administration and this is probably one of those things. I think what we are doing is creating a business down there. I don't know all of the details and whether it is a non-profit organization and whether it is in the best interest of the community down there to put a beer garden. I think the Chief of Police is here. I think they should weigh in on this. I think the Committee should really, before they give final approval, have some more scrutiny of what is going on in the community.

Deputy City Solicitor Arnold responded I don't cast an opinion one way or the other about that policy or what is essentially a policy decision by the Board and whether they want to enter into a regular rental like that or not. As you point out, in the past one of the ways that the Board has dealt with alleged violations of license agreements of a lot of different types is with the Committee on Administration having a hearing if requested and then rendering a decision.

Alderman Garrity stated I have a question because we haven't set any guidelines yet as to what is acceptable and what is not acceptable and who is going to make those decisions.

Chairman Sysyn responded it would be this Committee I believe.

Deputy Clerk Normand stated obviously the Committee would have input and police I know has some concerns as well as possibly Tom Lolicata and the Fire Department. I think it would be a combination of all those concerns that would be addressed and that is typically what happens on the licenses.

Alderman Garrity asked so are we jumping the gun if we are going to give approval tonight. Don't we want to get all of the appropriate City staff together to decide what the appropriate guidelines are going to be down there?

Deputy Clerk Normand replied you could certainly direct the staff that I just mentioned to work on the details. Obviously if you have some specific set concerns you want to address those now and then have the staff work out the final details or however you want to do it.

Alderman Garrity stated I guess I will go through my list of concerns first. The first concern was the...if it is going to be one warning, two warnings, three warnings and I guess Tom Arnold has addressed the license. What happens if alcohol is going outside the fenced in area was another concern of mine and then underage drinking down there.

Chairman Sysyn asked what does the Committee want to do.

Alderman Forest stated I don't think we can give Mr. Morgan an answer tonight. I think this has to go to staff and we need to come up with some guidelines. We are not going to do this tonight. The Police Department has to get involved in this. There are too many concerns about the alcohol down there and what is going to go on with teenagers going in and out but we need some kind of controls. We just can't do this all tonight. I want to move that we table this and send it to City staff to work out.

Alderman Garrity duly seconded the motion.

Chairman Sysyn asked who are we sending it to.

Alderman Forest answered the City Clerk, Solicitor, Fire Department, Police Department and Parks & Recreation.

Alderman Osborne asked would it be just as advisable to send it to Administration as well so we have a Committee looking over it or are you going to keep it in Traffic.

Alderman Forest answered we would keep it in the Traffic Committee.

Alderman O'Neil stated if for some reason the Police Department denies their license it automatically goes to Administration. Administration is generally the Committee that oversees licensing in the City.

Chairman Sysyn stated so if the Police Department denies this it would go to Administration.

Alderman Lopez stated just a point. If any department denies the permit it goes to Administration.

Alderman Guinta asked so when would all of these departments or staff be reporting back to us and in what manner. Are we then going back to July?

Chairman Sysyn answered we wouldn't be meeting until July anyway. If the Police Department says no we don't sanction this and we don't want it to be permitted and gives a reason then we won't meet until July 15 I think, which would delay Mr. Morgan's plans anyway.

Chairman Sysyn called for a vote. The motion carried with Alderman Guinta being duly recorded in opposition.

There being no further business, on motion of Alderman Forest, duly seconded by Alderman Osborne it was voted to adjourn.

A True Record. Attest.

Clerk of Committee